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8 **UNITED STATES DISTRICT COURT**
DISTRICT OF ARIZONA

9 ENS Labs Ltd., and Virgil Griffith, an
10 individual

11 Plaintiffs,

12 v.

13 GoDaddy, Inc., a Delaware corporation,
and GoDaddy.com LLC, a Delaware
14 corporation, Dynadot LLC, a California
corporation, and Manifold Finance, Inc., a
15 Delaware corporation.

16 Defendants.
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No.: 2:22-cv-01494-JJT

**NOTICE OF SUPPLEMENTAL
AUTHORITY IN SUPPORT OF
MOTION TO DISMISS**

1 Defendants GoDaddy.com, LLC (“GoDaddy”) and GoDaddy Inc. (collectively,
2 “Defendants”) respectfully submit this notice of supplemental authority to advise the Court of
3 the recent decision in *Hao v. GoDaddy.com, LLC*, No. CV-22-01709-PHX-DLR (D. Ariz. Apr.
4 25, 2023), attached hereto as Exhibit A, which further supports Defendants’ Motion to Dismiss
5 Plaintiffs’ Amended Complaint. *See* Doc. 49, 50. In *Hao*, the plaintiff brought a conversion
6 claim under Arizona law alleging that GoDaddy wrongfully exercised dominion and control
7 over a domain name. Ex. 1 at 2. The District Court dismissed the claim with prejudice, holding
8 that “a domain name is intangible property that cannot be the object of a conversion claim”
9 under Arizona law. Ex. 1 at 3.

10 The District Court’s holding in *Hao* directly supports dismissal of Plaintiffs’ conversion
11 claim with prejudice. As in *Hao*, Plaintiffs’ conversion claim is brought under Arizona law
12 and improperly attempts to rely on a domain name as the alleged object of the claim. *See* Doc.
13 24, ¶ 74 (alleging that Defendants “exercised dominion and control over the domain name
14 eth.link”). Indeed, the *Hao* Court rejected arguments that are nearly identical to Plaintiffs’
15 arguments in their Opposition to Defendants’ Motion to Dismiss. *Compare* Doc. 58 at 15–16
16 (relying on *Kremen v. Cohen*, 337 F.3d 1024 (9th Cir. 2003) to argue that a domain name can
17 serve as the object of a conversion claim); *with* Ex. 1 at 3 (finding that *Kremen* “is inapposite
18 because Arizona, unlike California, follows the Restatement’s strict merger requirement”).

19 For these reasons, and the reasons set forth in Defendants’ Motion to Dismiss,
20 Defendants respectfully ask that this Court dismiss the Amended Complaint with prejudice.

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1 Dated: April 26, 2023

2 **COZEN O’CONNOR**
3 Haryle Kaldis (*admitted pro hac vice*)

4 By: s/Haryle Kaldis

5 Haryle Kaldis

6 Attorneys for Defendants

7 **GODADDY INC. and GODADDY.COM,**
8 **LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies, under penalty of perjury under the laws of the State of Arizona that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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SIGNED AND DATED this 26th day of April, 2023 at Philadelphia, Pennsylvania.

COZEN O'CONNOR

By: s/ Haryle Kaldis
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